

1 SEPTEMBER 21, 2006

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3 THE ADVISORY BOARD TO THE STATE ENVIRONMENTAL COMMISSION ON
4 CERTIFICATION FOR OPERATORS OF PUBLIC WATER SYSTEMS

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6

7 MEETING

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10 THURSDAY, SEPTEMBER 21, 2006

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13 UNIVERSITY OF NEVADA RENO
14 ROOM UNR CODEC3/WRB 2008
15 1664 N. VIRGINIA STREET
16 RENO, NEVADA

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REPORTED BY: SUSAN CULP, CCR #343

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25 Sunshine Reporting Services (775) 323-3411

1 SEPTEMBER 21, 2006

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3 A P P E A R A N C E S

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5 BOARD MEMBERS PRESENT

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7 DARRIN PRICE, CHAIRMAN
8 MARIE POLLOCK (TELEPHONICALLY)
9 HARVEY JOHNSON
CHET AUKLEY
LYNN FORSBERG (VIDEOCONFERENCE)
MARCELLUS JONES (VIDEOCONFERENCE)

10

STAFF MEMBERS PRESENT

11

12 GEOFF DAFORNO
13 ANNETTE GUTHRIE
14 DANA PENNINGTON
JOHN WALKER
DOUG ZIMMERMAN

15

DEPUTY ATTORNEY GENERAL

16

17 JANET HESS

18 ALSO PRESENT

19 DALE JOHNSON (VIDEOCONFERENCE)

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1 RENO, NEVADA, THURSDAY, SEPTEMBER 21, 2006, 1:30 P.M.

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3 1. CALL TO ORDER

4 CHAIRMAN PRICE: This is the meeting of the Advisory
5 Board to the State Environmental Commission for the Operators of
6 Public Water Systems.

7 Today is Thursday, September 21st, 2006. I'm calling
8 the meeting to order.

9 I know today our secretary, Cameron McKay is absent. In
10 his absence, I'll do the role call myself.

11 2. ROLL CALL

12 CHAIRMAN PRICE: Darin price, I'm here.
13 Marie Pollock?

14 BOARD MEMBER POLLACK: Here in my office by phone.

15 CHAIRMAN PRICE: Thank you.

16 Harvey Johnson?

17 BOARD MEMBER JOHNSON: Here.

18 CHAIRMAN PRICE: Marcellas Jones? He appears to be
19 absent as well.

20 And it shows Beth listed here as a board member, and in
21 actuality she is not. She's the executive director for the
22 California-Nevada section of the AWA with the Deputy Attorney
23 General, Janet Hess.

24 DEPUTY ATTORNEY GENERAL HESS: Yes, here.

25 CHAIRMAN PRICE: She's here as well.

1 And then we also have present Doug Zimmerman with NDEP.
2 STAFF MEMBER ZIMMERMAN: Yes.
3 CHAIRMAN PRICE: And Steve is not here today.
4 UNIDENTIFIED PERSON: Steve is on vacation, but Dana
5 Pennington is here.
6 CHAIRMAN PRICE: I saw Dana slip in.
7 And we have the illustrious Mr. Walker. He is present.
8 Chet Aukley?
9 BOARD MEMBER AUKLEY: Here.
10 3. PUBLIC COMMENT
11 CHAIRMAN PRICE: Okay. Is there any public comment?
12 Seeing none we'll move to Agenda Four.
13 4. APPROVAL OF MINUTES
14 CHAIRMAN PRICE: Agenda 4 is approval of the June 6
15 meeting. Is there any comment regarding the minutes?
16 BOARD MEMBER JOHNSON: I have one correction. On
17 Page 12, Line 25 refers to a Louis Hardrof. It's supposed to be
18 Leo Drozdoff, .
19 BOARD MEMBER FORSBERG: Close.
20 CHAIRMAN PRICE: Okay. Are there any other corrections?
21 BOARD MEMBER AUCKLEY: Move to approve the minutes.
22 Chet Auckley.
23 CHAIRMAN PRICE: We have a motion for approval.
24 Do we have a second?
25 BOARD MEMBER JOHNSON: I'll second it. Harvey Johnson.

1 CHAIRMAN PRICE: We have a motion to second.

2 Any further discussion?

3 I had one quick comment. Marcellas Jones at the prior
4 meeting talked about an issue in Vegas on the notification of
5 receipt of the applications, and he wanted it to be discussed
6 maybe at the next meeting. It did not make the agenda per se, but
7 my interpretation of that request is that perhaps under staff
8 reports, I was anticipating that maybe Steve Brockway could
9 comment about that, and this was an issue regarding notification
10 that the test had been received and they were scheduled to do
11 that.

12 Now, since that time, I know, Geoff, you have been doing
13 that notification stuff.

14 STAFF MEMBER DAFORNO: Yes.

15 CHAIRMAN PRICE: And to my knowledge, you've been doing
16 a great job at it. And I know with my own staff we have received
17 those letters promptly. So perhaps what I would ask is that maybe
18 you could contact Marcellas and ask him if he feels like they are
19 getting a better response down there and/or if there's anything
20 else you could do. And then if we have to, we'll place it on a
21 future agenda.

22 STAFF MEMBER DAFORNO: I just need his contact
23 information. When we get a minute, I'd like to get his contact
24 information.

25 CHAIRMAN PRICE: I'll make sure that happens.

1 We have a motion to second. All those in favor, please
2 signify by saying aye.

3 Opposed? None.

4 Motion carries.

5 (Whereupon the motion was put to a vote and carried unanimously.)

6 5. Update on Wastewater Advisory Board Meeting and Programs -
7 General Discussion.

8 CHAIRMAN PRICE: Agenda No. 5 is an update on the waste
9 water advisory board meeting and programs. It's a general
10 discussion. What I've done for us here in Reno is I did in fact
11 attend the Board of Certification of Waste Water Treatment Plant
12 Operators. For those of you that remember, the Environmental
13 Commission had requested that we take a look at any of the
14 parallel portions of our program that we -- that the waste water
15 would do as well. And what I'm passing out, Marie, and I can
16 certainly mail this to you, and, Lynn, I apologize to you as well
17 because you're not going to have copies, it's just some of the
18 handouts I got when I attended the meeting.

19 BOARD MEMBER POLLOCK: If you mail them, I'll look them
20 over.

21 CHAIRMAN PRICE: Okay. Thanks, Marie.

22 They do some of the similar things that we do as far as
23 newsletters. I guess I should back up a second and say the Waste
24 Water Advisory Board advises the Nevada Water Environment
25 Association Board of Directors on the certification of waste water

1 operators. And currently in the State of Nevada, the only
2 certification that is mandatory on the waste water side is
3 treatment operators. They do in fact do voluntary certification,
4 and the voluntary certification is for lab people, collection
5 system people, and I believe there's a couple more; isn't that
6 true, Harvey?

7 BOARD MEMBER JOHNSON: Industrial waste operators and
8 industrial waste inspector.

9 BOARD MEMBER POLLOCK: Don't they have free treatment,
10 too? I think they have free treatment certification now.

11 BOARD MEMBER JOHNSON: That would be the industrial
12 waste operator.

13 BOARD MEMBER POLLOCK: Okay.

14 BOARD MEMBER JOHNSON: They are looking at -- at the
15 present time, they are looking at a plant maintenance
16 certification, that it probably would come out in the next
17 18 months.

18 CHAIRMAN PRICE: For the board members, the website to
19 the Nevada Water Environment Association is WWW.NVWEA.org. And
20 once you are there, if you click on "Certification," it will take
21 you over to the Waste Water Advisory Board's site where you can
22 take a look at some of the board members, some of the programs
23 that they do, et cetera.

24 And, Doug, I guess I would ask, because I will tell you
25 honestly, I've been a little confused on exactly what the

1 commission wants on this. I got the impression from the
2 commission before that in a way, they wanted to merge the boards
3 in some way and/or just take a look at what programs are
4 paralleling so there wasn't a duplication of work. Can you
5 elaborate any more or have you heard any more from the commission
6 on exactly what they want?

7 STAFF MEMBER ZIMMERMAN: I have not heard any more from
8 the commission, but you're very much on target as to what they
9 were requesting, what the -- really, the two boards take a look
10 at. That this board make that contact with the Waste Water Board.

11 But I can also tell you that there's no preconceived or
12 agenda that they have of combining the board. They aren't
13 encouraging that, suggesting it, really, they just, as you said,
14 Mr. Chairman, look at are we duplicating efforts in any ways? And
15 if the outcome of the process is that the two boards feel that
16 they need to continue as separate entities, they are -- the
17 commission really has no preference one way or the other, as I
18 said. So they were just encouraging us to look at, you know, are
19 we -- is it redundant in any way? And also to look at how can the
20 two boards benefit from each other? And I think the feedback I've
21 gotten from these initial meetings are that the waste water side,
22 for example, in the continuing education realm, is looking at what
23 the -- what this board has done and sees that as a good model and
24 as a good starting point.

25 So that seems to be the direction that it's going. More

1 of how can we compliment each other and from the experiences to
2 have the benefit of each of the boards.

3 CHAIRMAN PRICE: Okay. I appreciate that, because I
4 will tell you, when I attended their board meeting, their
5 chairman, one of the first things he said to me was, "Are you here
6 to take us over?" So he obviously had some predetermined ideas
7 about why we were there. But I will tell you, they are a great
8 group of people. They are -- a lot of their stuff is similar to
9 us. One of the current differences, and I would like to take
10 note, is that as this Board knows, we used to use the Association
11 of -- or Board of Certification or the ABC testing. There was a
12 lot of dissatisfaction with the quality of the test, some of the
13 turn around, et cetera, which prompted the investigation and
14 eventual signing of a contract with the California-Nevada section
15 of the American Water Works Association to have them not only
16 administer the test, but use the Sections test. It is geared
17 toward Nevada Water Information and/or California Water
18 Information as well, but water operators, both treatment and
19 distributions. ABC does testing for a whole realm of disciplines,
20 and the Waste Water Board currently uses the ABC testing. So that
21 was one difference that I noticed.

22 Also -- Well, the packets that I passed out, they do
23 have a lot of information in there, I encourage everybody to go
24 over it, and what we'll do is this: Maybe something that's
25 reoccurring on the agenda because I anticipate that perhaps Harvey

1 and myself could get together and put together a comparison list
2 of some of the things that we're paralleling, and some of the
3 things we are different on and then report back to the Board on
4 some of those things and eventually develop something. We could
5 either get with Doug from NDEP and give to the Commission or
6 perhaps one or two of us could go to the Commission meeting and
7 talk about some of the stuff to the Commission itself. So does
8 anybody have any comments on that?

9 Lynn, you guys are being awful quite in Elko.

10 BOARD MEMBER FORSBERG: That's because we were
11 threatened by --

12 CHAIRMAN PRICE: So anyways, those are my thoughts on
13 it.

14 Harvey, did you want to add anything else regarding the
15 Advisory Board? I know -- how long have you been on the Board
16 now?

17 BOARD MEMBER JOHNSON: I've been on the Board for three
18 years. And as far as, you know, parallels to the programs, you
19 know, both programs to a good job of maintaining certification for
20 the operators for both water and waste water in the State of
21 Nevada. They are in a little different paths to get there, but
22 the Waste Water Board is all voluntary. We do have that one paid
23 position as far as the Assistant Program Administrator position,
24 and it's like you said, the CEU's are being looked at. So that
25 would become parallel in that realm, but, yeah, I think both

1 certification boards will get the job done. It may come in a
2 little different path, but they'll get it done.

3 CHAIRMAN PRICE: Harvey, can you comment on -- I know
4 myself, I was kind of surprised to find out that only the
5 treatment operators is mandatory for certification. Are there any
6 steps the Board is taking and/or the State regarding certification
7 of some of the voluntary programs that you guys do like the lab
8 analysis, collection system operators, industrial waste operators
9 and inspectors?

10 BOARD MEMBER JOHNSON: Not at this time.

11 CHAIRMAN PRICE: So the Board -- that Board, the Waste
12 Water Board is just satisfied with those being voluntary programs
13 right now?

14 BOARD MEMBER JOHNSON: Correct, the NDEP goes to the
15 Environmental Commission with those programs to get them as
16 mandatory, and we haven't heard anything as yet as to whether any
17 of that will happen in the future.

18 CHAIRMAN PRICE: Okay. All right. Thanks, Harvey.

19 Do any of the other Board members have comments about
20 that? I would also ask, do any of the other Board members have an
21 interest in joining, say, Harvey and myself to develop a
22 comparison paper?

23 BOARD MEMBER POLLOCK: I wouldn't mind, but I have to do
24 it by long distance, obviously.

25 CHAIRMAN PRICE: Okay, Marie. You know what we can do,

1 as Harvey and I start to develop it, we'll get an e-mail circle
2 going so we can all do some work on it, and we'll put it on the
3 agenda for the next meeting.

4 BOARD MEMBER POLLOCK: That would be great because I
5 have the perspective from the laboratory analysis in both water
6 and waste water.

7 CHAIRMAN PRICE: Excellent.

8 BOARD MEMBER POLLOCK: And in fact, if anything doesn't
9 require a license at this point for the analysis, you don't have
10 to get it.

11 CHAIRMAN PRICE: Right. Okay. I'll make sure you're
12 included on that loop, Marie, and we'll develop it for an upcoming
13 meeting.

14 BOARD MEMBER POLLOCK: Okay.

15 CHAIRMAN PRICE: Is there any other discussion on that?
16 Does anybody have anything to add?

17 6. BRIEFING ON STATUS OF CONTRACT WITH CA-NV AMERICAN WATER WORKS
18 ASSOCIATION AND STATE BUREAU OF ENVIRONMENTAL PROTECTION DIVISION
19 OF SAFE DRINKING WATER

20 CHAIRMAN PRICE: We'll move on to Agenda 6. This is the
21 briefing on the status of the contract with the CA-NV section and
22 the NDEP division of safe drinking water. I'll just go ahead and
23 start briefly.

24 The contract as I know it is up for renewal in October;
25 is that correct, Doug?

1 STAFF MEMBER ZIMMERMAN: Yes, the end of October.

2 CHAIRMAN PRICE: Okay. And the contract is on here for
3 a couple of reasons. One is for the renewal, and two is that
4 apparently there's been an interest expressed in possibly doing
5 the administration by another group. So, Doug, would you go ahead
6 and explain that a little further?

7 STAFF MEMBER ZIMMERMAN: Sure. The contract is up for
8 renewal October 31st, and going through this process where we'll
9 renew this, and being knew to the Division, the program, we are
10 going to take a look at do we want to continue with the process we
11 have or are there other options to us. And nothing -- this is a
12 reaction to the job that's been done under the contract. AWWA,
13 we've been satisfied with the testing and their work with the
14 Board here, so it's in no way a reflection of anything with AWWA,
15 it's simply that the contract is up for renewal. It's been done
16 as a sole source contract which as you noted, it's an AWWA test
17 that we use, and only AWWA will administer that test. They won't
18 release it for test security reasons which is something that we
19 understand and would be in full agreement with.

20 So in part, we wanted to look at, get some feedback from
21 the Board of do we want to continue with the AWWA testing, and
22 I've heard the chairman make some comments on that already, or is
23 the ABC testing, that's really the other alternative for us, is
24 that something we want to consider?

25 Now, as one of the changes which I think I have

1 mentioned to you previously, that will occur regardless of who
2 gets the contract is that we will administer the functions of the
3 Board through John Walker for future Board meetings. John with
4 the State Environmental Commission can put the notices out and do
5 the minutes and will take care of all that. So the contract will
6 shrink slightly in terms of its scope in that we can use in-house
7 resources basically through the commission to deal with the
8 administration of the Board. The rest of the contract, then,
9 would continue the same with an organization scheduling the tests,
10 providing the proctors, doing the grading, and providing the
11 results. So any feedback the Board can give me on their
12 perspective, you have a much longer history with this than
13 certainly I did of the value of the AWWA test versus the ABC test.
14 That would be very beneficial for us in our decision making
15 process.

16 CHAIRMAN PRICE: Marie, do you have any comments?

17 BOARD MEMBER POLLOCK: No. We just need to probably get
18 it on paper and -- the comparison, and look at it. I really think
19 that -- you know, I've written it off toward the end there. It's
20 nice to have two providers, let me put it that way. If we can do
21 it and make a bid for the contract --

22 CHAIRMAN PRICE: Yeah. I think --

23 BOARD MEMBER POLLOCK: --it might even be required,
24 Darin, because we are a State agency.

25 CHAIRMAN PRICE: Well, there's a couple of comments that

1 I would like to make, is that as most of you Board members are
2 aware, we went through a long period of revamping the Nevada
3 Administrative Codes regarding the certification and the testing,
4 and it was at that point that we ended up switching from the ABC
5 testing. We had an incredible success rate. Now, albeit at the
6 time as we were doing the investigation, we want operators to
7 succeed, but we also want them to be very knowledgeable about this
8 industry and that when we were doing the comparison on the test,
9 the California-Nevada section test was more geared toward the
10 knowledge base that we were looking for over the ABC test.

11 BOARD MEMBER POLLOCK: I remember.

12 CHAIRMAN PRICE: And as Doug was just explaining, the
13 section has made it clear that should the State choose a different
14 administrator for this contract, that test in fact will go away.
15 It bothered me a little bit that it was so sole source like Doug
16 talked about, however, if they are pretty satisfied with the
17 administration so far, I myself don't have a problem with it. I
18 would also say that as far as giving some of those duties over to
19 John Walker, that he's done an excellent job as far as I'm
20 concerned with the website and everything, and I'll have no doubts
21 that as far as minutes, et cetera, and setting things up, that he
22 would do a great job at that as well.

23 So Lynn, do you have some comments?

24 BOARD MEMBER FORSBERG: I'll echo what she said because
25 I've been part of the process of getting away from the ABC

1 testing. It seemed like we had a lot of -- the answers had been
2 circulated from the ABC test among the operators for whatever
3 reason. And a lot of the teaching was teaching the test instead
4 of teaching the operators better skills.

5 BOARD MEMBER POLLOCK: They were doing that down here.
6 They had a big pile of old tests and when the guy got ready to
7 certify, he would take that big pile of old tests home with the
8 answers, and that's how he studied, which is how I define my
9 cooking.

10 BOARD MEMBER FORSBERG: Exactly my point. That's why I
11 went through this whole discussion. In fact, I remember going
12 through this it seems like two years. Chet was there. He's the
13 one I remember. We had a lot of discussion on this thing and came
14 to the conclusion that we were better off to have a more secure
15 testing system.

16 BOARD MEMBER AUCKLEY: This is Chet. I would like to
17 lend a little input, I guess. I think we did go through a lot of
18 transition, Lynn, we all remember that. I think the AWWA was very
19 much of a special support group. It helped us get through a lot
20 of tough times relative to the certification in Nevada. So that
21 to me is an A-plus. I also believe when we had the discussions on
22 the ABC test that went on for quite a few years there were more
23 than a few questions asked about the testing with the ABC process.
24 I know the California-Nevada section, the quality of their exam, I
25 think I took one of those a while ago and ABC. My point is they

1 are very much high quality, they are very much into the security
2 of their test, and I personally support us continuing with the
3 Cal-Nevada AWWA testing process because I think it's highly
4 professional. I also know they are pretty well spoken for in the
5 State of California, too, so I think they bring a lot to the
6 table, and I'm happy with what they've done for us, and I think
7 their test is high quality. That's my comments.

8 CHAIRMAN PRICE: Thanks, Chet. I had a couple more
9 questions for Doug. One is, has the differences in the contract
10 that you've just discussed as far as some of the duties been
11 discussed with the section, and are they okay with it?

12 STAFF MEMBER ZIMMERMAN: We haven't had detailed
13 discussions with them yet on the renewal process. I put them more
14 in just the informal, touching on the fact that the contract is
15 going to expire, and then have the relatively new executive
16 director, Beth, there, who I've had just had some brief
17 conversations with. So whether they are okay with it or not
18 doesn't really enter into it since we have the resources in house
19 in terms of administering the -- or working with the Board here.
20 That is the direction that the Division is going to go with that
21 element of it. If I could, it's my understanding, perhaps someone
22 has some knowledge on this, that the AWWA test has a -- is it an
23 international or national certification that goes along with it?

24 CHAIRMAN PRICE: National.

25 STAFF MEMBER ZIMMERMAN: National. That is important to

1 us too, then, giving more credibility to the testing process.

2 Marie mentioned the process the State has to go through,
3 and generally we to have to do open competitive bids for contracts
4 unless we can justify to the State Purchasing Division that a sole
5 source contract is appropriate in a certain circumstance. And
6 this has all -- well, it was done as sole source previously, as I
7 said, because AWWA is the only one who can administer that test or
8 has possession of that test. So any direction from the Board or
9 recommendation from the Board that if it is your recommendation to
10 continue with the AWWA test you can make that recommendation to
11 the Division as the Board? That would provide a lot of strength
12 in our presentation to the Purchasing Division of justification
13 for the sole source process.

14 CHAIRMAN PRICE: Thanks, Doug. And as a matter of fact,
15 that was one of the next questions I had is would a letter suffice
16 coming from this Board acknowledging the discussion that took
17 place at this meeting and to continue with the current contract?

18 STAFF MEMBER ZIMMERMAN: That would be excellent.

19 CHAIRMAN PRICE: And would the letter be addressed to
20 you?

21 STAFF MEMBER ZIMMERMAN: Yes.

22 CHAIRMAN PRICE: One more question I have that I was
23 just thinking of is that should the negotiation fail for whatever
24 reason and you did not renew with the Section, what step would the
25 Division take as far as testing? What would we do then?

1 STAFF MEMBER ZIMMERMAN: Well, let's hope we are not
2 there. But we would have to go out to renew the contract. We
3 would go out with an RFP, a request for proposals. The Nevada
4 Rural Water had contacted us. That was the other entity that
5 expressed some interest in, knew the contract was up for renewal,
6 so I have had some discussions with them. We couldn't have our
7 own test, so we would have to link with some organization like ABC
8 that could provide us a test. Then we, in all likelihood, would
9 find a contractor, then, to administer it. You know, we are kind
10 of a one-man show with Steve Brockway, and it would probably be
11 more than he could handle in terms of processing all the
12 applications and also doing all this administrative work
13 associated with the test. So I think we would still be definitely
14 going down a path of finding a contractor to support us in this
15 effort.

16 The Division does have some other testing processes. We
17 certify environmental managers and hazardous waste handlers, and
18 for that we have developed our own test. And again, it's -- it's
19 a very intense process to get a valid test, keep it secure. For
20 that process, then, it's a much smaller group, I think, of
21 certified individuals. We have -- Well, again, we had to use
22 contractor support to develop the test, so I'm hoping it's a path
23 we don't have to go down.

24 CHAIRMAN PRICE: I agree. I agree. So plan A is a
25 renewal with the modification to the contract, and plan B would be

1 to probably fall back to the ABC testing.

2 STAFF MEMBER ZIMMERMAN: Yes.

3 CHAIRMAN PRICE: Thanks.

4 BOARD MEMBER POLLOCK: Here's one take on it, ABC
5 testing is a nationwide issue, and that's the kind of test you can
6 get from ABC. You're not going to get a specific Nevada test.

7 CHAIRMAN PRICE: I understand that, Marie. I guess it
8 bothered me for a moment because I thought if it went someplace in
9 a basket, then what was plan B as far as continuing the
10 certification testing until such time as they came up with a
11 solution?

12 BOARD MEMBER POLLOCK: Maybe we need to put some heat on
13 them and get a letter out from the Board that says that we really
14 need an answer to this question and we need it now.

15 CHAIRMAN PRICE: Yeah. Well, you know, what I'll do,
16 I'll prepare a letter to send to Doug that he can present to the
17 Commission about our hope in continuing with the section testing
18 and administration of course with the changes that Doug mentioned
19 with John doing the minutes and some of the coordination of the
20 meetings, et cetera.

21 BOARD MEMBER POLLOCK: Okay. Okay. Is there any
22 further discussion from the Board members on this item?

23 BOARD MEMBER JOHNSON: I have one question. Is there
24 any review of the questions on the test on a regular basis?

25 CHAIRMAN PRICE: I know I can answer that real quickly.

1 The section constantly reviews the questions that are on the test.
2 They also review the website at the conferences, even by just
3 talking to some of the directors on the different Boards and
4 committees they have. You can submit your own questions, they
5 have a certification committee that actually looks at questions
6 that are submitted, the existing questions and the test, and they
7 are constantly doing modification and revamping that so that it's
8 current with technology and changes in the industry. And if you
9 like, Harvey, what I can do is put you with some contacts so you
10 can talk to some of those people as well.

11 BOARD MEMBER JOHNSON: Okay. That would be great.

12 One other comment, I do know that deal with the ABC and
13 the Waste Water Board that ABC, you can have your own proprietary
14 exam. It does cost more than their standard exams, but that way
15 you review the questions, you send in your own questions and you
16 can do that yourself.

17 CHAIRMAN PRICE: Okay. That's good. That's good. All
18 right.

19 7. Staff Reports

20 CHAIRMAN PRICE: I'll of move on to Agenda Item 7, staff
21 reports.

22 Doug, you're up first.

23 (Whereupon Board Member Jones joined the meeting via
vi deoconferenci ng.)

24 STAFF MEMBER ZIMMERMAN: Okay. Well, I wanted to get
25 one topic which will branch into two, I think, to discuss with

1 you, and I want to use an incident that occurred recently. It
2 occurred this summer at the Kingsbury General Improvement
3 District. Again, since we are a new agency to the Board, a new
4 agency to the water systems, we have a different way of doing
5 business than the Health Division had, and it's a more formalized
6 process.

7 So at Kingsbury this summer, they had an incident where
8 there was a very small leak of water coming into one of their
9 clear wells relative to this massive amount of water they pull out
10 of the lake, very small amount. The operators and the general
11 manager, actually we give them a lot of credit for even finding
12 this and then assessing it, and once they had a plan, they
13 contacted us. Well, there was about a week gap in there where we
14 were uncomfortable in the delay that occurred in the notification
15 to the Division. And once we got the information, we did require
16 a boil water order. In hindsight, looking at this, I tell you, I
17 would do it exactly the same way again. That boil water order
18 would go out. There was a lot of concern about, "Gee, it was a
19 small amount of water. Aren't you overreacting?" We do not think
20 we are overreacting. As you all know, we've got to protect the
21 entire population, so yes, we are talking about a very low
22 probability that that immune compromised person or very young who
23 could get that right dose of this small amount of water, you can
24 do the probabilities in your head. It was very low. But I'll
25 tell you again, we would do exactly the same thing, and the

1 response of Kingsbury was excellent, they found the problem, they
2 repaired it, and we are very satisfied with their reaction. And
3 they said they've learned from this situation, too, that, you
4 know, report as soon as you know it. Their judgment call was this
5 looks like just a maintenance issue to us, but we looked at it as,
6 No, this is bypass of your treatment system, and again, very small
7 amount, but you've got to be very sensitive to these type of
8 events. So again, really this is not at all a criticism, actually
9 a compliment to the operators at that system who found it and
10 reacted. It is just their understanding of the regulations and
11 reporting.

12 So I did bring copies of again just the way we formalize
13 these. We did an emergency order on the boil water, but then we
14 follow it with a formal finding, and there was a meeting, what we
15 call a show cause meeting. It looks very serious when you see it,
16 and it is very serious. We cite failure to comply and remedy.
17 This can subject you to penalties of up to \$7,500 a day, those
18 type of things. We are not intending to seek any penalties in
19 this case. Again, largely in part due to the responsiveness of
20 the system and the operators.

21 But again, just want to make you aware of it. The
22 Division has a different mentality than the Health Division in
23 that we believe enforcement is one of our viable tools. We don't
24 go out of our way to use it, but we don't hesitate to use it, and
25 this is all across our projects whether it's water, waste, air, it

1 is the approach that the Division takes.

2 Now, the related topic to this and very near and dear to
3 this Board is we've got a group of water systems, and I think it
4 numbers in about ten systems or so who, very small systems for the
5 most part, and Dana can help me out with this if you want more
6 details, who have continually not had a certified operator at the
7 system. So we have been talking with Janet in looking at our
8 options to bring these systems into compliance. And through the
9 Attorney General's Office, we can pursue an action, we could get
10 an injunction against these systems. We are going to start with a
11 very -- one of the options we are looking at is starting with some
12 very firm letters coming out of the Attorney General's Office to
13 these systems basically laying out to them: Here is the law,
14 you're not complying with it, it subjects you to these penalties,
15 and we are seeking compliance. If we can get compliance, we'll be
16 happy and we'll move on. But, again, we won't hesitate to collect
17 penalties if somebody is uncooperative if it's, you know, a severe
18 situation. So again, just an opportunity to tell you about the
19 process the Division will be using, and, you know, it is probably
20 a change from what you've seen over the years with the Health
21 Division. And that's just the differences between the two
22 agencies.

23 BOARD MEMBER AUCKLEY: Darin?

24 CHAIRMAN PRICE: Yes, Chet, please.

25 BOARD MEMBER AUCKLEY: First of all, this is Chet. I

1 want to applaud that logic. To me, that's the only way it can be
2 done. And I think through the years on this Board, et cetera, I
3 think that public health is our primary goal, it's got to be. If
4 we are not keen and attuned to what we have to do all the time,
5 every time, protect public health, then I don't think we are doing
6 our job. So I applaud the State. I think it's very well done.
7 I'm glad that's the approach you take. I'm glad that Kingsbury
8 did follow up. But I guess what I don't understand as a Board
9 member, I've been in this field for a long while, and that's kind
10 of like well, you know, you would notify immediately. That's a
11 given to my logic. You notify immediately and get going on it.
12 But anyway, I thank you for doing a good job.

13 CHAIRMAN PRICE: Thank you. My comment to that is I
14 agree with Chet. I know in the past, and I believe we had the
15 conversation with Dana as well, that we ask if the system is not
16 in compliance, what are you doing? And the reply was that at the
17 time, they don't deal with enforcement as far as a fine. They
18 start writing nasty letters and wait for them to take action. So
19 how long have some of the systems been out of compliance?

20 STAFF MEMBER PENNINGTON: Dana Pennington, by the way.
21 We've had several of those systems non-compliant for a couple of
22 years. You know, they are very small systems, typically what's
23 happened in some cases was provisional operators retired, moved on
24 and people behind them came in not certified, were unable to pass
25 examinations, several have tried to pass exams and not been able

1 to. In some cases, just defiance has been, you know, ignore the
2 letters. "Those guys won't do anything to you," type mentality,
3 but with the move to NDEP, we feel we have the abilities now to
4 correct actions. Now, I don't want you to get the impression that
5 this is a wide-spread problem.

6 CHAIRMAN PRICE: Yeah.

7 STAFF MEMBER PENNINGTON: There's approximately ten
8 small water systems here in the State out of -- gosh, it's 400
9 systems that need to have operators, so that's a very low
10 percentage.

11 CHAIRMAN PRICE: Right.

12 STAFF MEMBER PENNINGTON: But we feel we need to follow
13 up on that and help move into a more -- what we want is uniform
14 enforcement. We want every water system to be treated the same.
15 We don't want somebody getting an exception or somebody -- an
16 allowance that another water system would not be afforded, so
17 that's why we are moving in this direction.

18 CHAIRMAN PRICE: It is a low percentage and there were
19 some frustrations when it was at state health as far as action
20 that could be taken, especially legal action on some of this. A
21 lot of the staff have expressed that to me over the years. And,
22 Janet, I know you're here today, too, I see they talk about civil
23 penalties. Is there any civil action against these people?

24 DEPUTY ATTORNEY GENERAL HESS: I could go in and get an
25 injunction. That is a prescriptive injunction that makes the

1 Court make them hire a certified water operator. Also, I can get
2 them for \$5,000 a day for up to two years for statute of
3 limitations. Now, I don't think that by the time you talk about
4 \$5,000 a day for two years, I think it's a little cheaper to get a
5 certified operator than to be paying that penalty. But if they
6 don't want to listen to reason, then we have nothing else but to
7 have the Court have them listen to reason from the Court. And so
8 I'm really excited about the program and I'm looking forward to
9 working on this program and bringing people into compliance. And
10 some of the places that are involved are some of the places that
11 maybe some of the users of the water system are less apt to be
12 able to afford bottled water.

13 CHAIRMAN PRICE: Good point.

14 DEPUTY ATTORNEY GENERAL HESS: So we certainly want to
15 have compliance for the houses, the use and their children and
16 families.

17 CHAIRMAN PRICE: That's an excellent answer. I'm glad
18 to see -- Doug, I'm really glad to see you have some teeth over
19 there to do some of these things. I think there were some
20 restrictions at State Health and one was staff was spread very
21 thin and I just didn't -- there didn't seem to be a lot of legal
22 ramifications. They were interested, but there wasn't an avenue,
23 and now it seems like we have an avenue.

24 STAFF MEMBER ZIMMERMAN: I think, and Dana can perhaps
25 with his much longer experience with this, he can add something

1 too, if he wants. But I think that was one of the reasons that
2 the program was moved from Health. They were, I don't know if
3 it's right to say an odd fit in the rest of the Health Division,
4 but their function was fundamentally different than a lot of the
5 programs within the Health Division, particularly the fact that
6 they were quite a technical group with an engineering section and
7 that. And that I think is just about unique to the Health
8 Division. I think they are down to one engineer now that the
9 program was moved. So they were kind of the odd man out, I guess.
10 And they are a much better fit in the Division and these
11 regulatory programs. That's what this is. And the Safe Drinking
12 Water Act fits right in with the Clean Water Act and the Clean Air
13 Act and the approaches, it can all be the same there. So we are
14 able to do this in a -- I don't know if it's in a more streamlined
15 process, but certainly a more routine process. For example, one
16 of the differences, we don't have to go to the State environmental
17 commission to get their blessing on moving forward on this or with
18 a penalty with the health division. It's my understanding that
19 the Board of Health was a much more active participant in the
20 decision-making process, so staff were very limited in what they
21 were able to pursue.

22 BOARD MEMBER AUCKLEY: This is Chet again. Is there any
23 -- maybe Dana or whoever wants to answer, for the small systems, I
24 firmly believe pediatric health is the mantra, number one. But
25 these small systems that maybe don't have much money or whatever,

1 is there any fund that we can help them, you know, say, "Look,
2 you've got to be in compliance because look at your customers,
3 people are drinking your water." Is there something we can do for
4 them financially that would maybe help them get an operator? I
5 don't --

6 STAFF MEMBER ZIMMERMAN: Excellent question. And I had
7 the same question posed to me from our administrator Leo Drozdoff
8 and the Deputy Administrator Tom Porter. They definitely want us
9 to look into that because as you heard, these systems described,
10 some are very challenged with the financial resources.

11 CHAIRMAN PRICE: Would that go through their SRF or AB
12 198?

13 STAFF MEMBER ZIMMERMAN: Possibly those sources or an
14 EPA grant. There is a program.

15 Dana, can you elaborate on that, to what degree that
16 could be used in this process?

17 STAFF MEMBER PENNINGTON: Well, we've always had the
18 assistance of both the AWWA and the Nevada Rural Water Association
19 over the past, oh, let's just say ten years, let's say. And both
20 of them are very active in outreach programs to try to bring these
21 small water systems up to the speed they need to be at. And we do
22 have funding available through our SRF set asides that is
23 currently directed in that manner. And another organization was
24 the Rural Community Assistance Corporation which we had -- well,
25 Phil Walsack, you all know Phil, was very involved in that and we

1 still have a contract for that, and we have provided technical
2 assistance to some of these systems that we are talking about
3 already. Because we know that they are having some problems with
4 some of the testing things, and, you know, some people just can't
5 take a test. That's the bottom line. You can fill them up with
6 information and so on and then they choke during the exam.

7 CHAIRMAN PRICE: Right.

8 STAFF MEMBER PENNINGTON: But we've tried that and we
9 continued to work on that and improve that. But when you reach a
10 certain point where you're down to just a small nucleus of systems
11 that are still not compliant over a period of a year or two, then
12 I think we need to approach it from another angle. So we are going
13 to try working from a new direction here to see how that might
14 work.

15 CHAIRMAN PRICE: Thanks, Dana. Before we move on, I
16 want to acknowledge Marcellas. I see you in Vegas now. Can you
17 hear us?

18 BOARD MEMBER JONES: Can you hear me?

19 CHAIRMAN PRICE: Yes, we can hear you.

20 BOARD MEMBER JONES: Great. Yes, I made it.

21 CHAIRMAN PRICE: Okay.

22 BOARD MEMBER JONES: I had a chance to see the entire
23 campus, but I made it.

24 BOARD MEMBER POLLOCK: Hi, Marcellas.

25 CHAIRMAN PRICE: Marcellas, for the sake of the

1 reporter, approximately what time did you get in?
2 BOARD MEMBER JONES: Probably about 15 minutes to ten,
3 so 9:45.
4 CHAIRMAN PRICE: Okay. Thanks. I want to let you know
5 also I have Marie on speaker phone here with us.
6 BOARD MEMBER JONES: Hello, Marie.
7 BOARD MEMBER POLLOCK: Hello, Marcel las.
8 CHAIRMAN PRICE: Can you hear her okay?
9 BOARD MEMBER JONES: Yes, I can.
10 CHAIRMAN PRICE: Also in Elko, Lynn is there with one of
11 his guys, Dale.
12 So, Lynn, can you say hi.
13 BOARD MEMBER FORSBERG: Hello, Marcel las.
14 BOARD MEMBER JONES: Hello. I saw you both earlier. So
15 how are you?
16 CHAIRMAN PRICE: All right. I'm glad you're here,
17 Marcel las. I know with these video-teleconferences, sometimes you
18 tour the campus before you find the right room. It happened here
19 in Reno, too, to let you know.
20 BOARD MEMBER POLLOCK: Can I talk to you, Darin, about
21 getting the teleconference into the water district up in Vegas,
22 because they have a big teleconference room and that would be very
23 convenient for Marcel las, obviously, and it wouldn't be a problem
24 for me.
25 CHAIRMAN PRICE: Sure. You know what I would say,

1 Marie, is that from what I heard from Doug earlier regarding the
2 contract, is some of that coordination is going to go through John
3 now, correct?

4 STAFF MEMBER WALKER: Yes. John Walker. Just a note on
5 that, we recently purchased some teleconferencing equipment at
6 NDEP, so we will probably look at using our facility in Carson
7 City as the base point for the main meeting and teleconferencing
8 out from there is our thinking at this time.

9 CHAIRMAN PRICE: I would be okay with that.

10 BOARD MEMBER AUCKLEY: That works.

11 BOARD MEMBER POLLOCK: You might have John poll the
12 Board members by e-mail if they have suggestions, because I think
13 you should take the one that's reliable and responsible, not to
14 say we wouldn't be.

15 CHAIRMAN PRICE: Janet can correct me, quote/unquote, he
16 couldn't poll the Board members. He could provide information
17 that we couldn't respond to. I mean, we can certainly discuss it
18 now. I think what I would do, Marie, is that why don't you call
19 John and have a discussion regarding some of the needs that you
20 have down there. How does that sound?

21 BOARD MEMBER POLLOCK: That would be fine. You know, I
22 need to get his phone number.

23 CHAIRMAN PRICE: Okay. I'll bet it's 775 --

24 BOARD MEMBER POLLOCK: I don't know. I have a pen here.

25 CHAIRMAN PRICE: 687 something, something, something.

1 BOARD MEMBER POLLOCK: Darrin, e-mail me with it when
2 you find out for sure.

3 CHAIRMAN PRICE: I will provide him with your e-mail
4 address and I'll have him e-mail you.

5 BOARD MEMBER POLLOCK: Perfect.

6 CHAIRMAN PRICE: Thanks, Doug. Was that all?

7 STAFF MEMBER ZIMMERMAN: Since Steve is not here, I do
8 have one issue that we want to pass on that fits more in Steve's
9 realm. I don't know how many of you have met Tina Schilling over
10 the years, but she is our administrative assistant who has been
11 with the program for ten years or so, and she has completed her
12 education and teaching degree and is moving into being an
13 elementary school teacher. So her last day is coming up.

14 STAFF MEMBER PENNINGTON: It's past.

15 STAFF MEMBER ZIMMERMAN: She's been on vacation for the
16 past few weeks, so that final day was sort of a blur, so Steve is
17 a little shorthanded right now. But we will move quickly on
18 filling that position and hopefully you'll see a seamless
19 transition in this. But there will be a new person involved in
20 the process on our end. Tina would do all the administrative
21 activities, you know, in terms of applications coming in, routing
22 them to Steve, printing their certificates, those type of things.
23 So those were the functions she was providing.

24 Again, we hope that this will be seamless to everybody
25 out there, but just kind of a heads-up for you that Steve has lost

1 a valuable assistant.

2 CHAIRMAN PRICE: So, Doug, I've got to ask a tough
3 question, then. Is that personally myself, typically what I hear
4 from operators are those complaints about the application process
5 and some of those things. So should we hear something, who should
6 we refer them to, just Steve?

7 STAFF MEMBER ZIMMERMAN: Steve or Dana.

8 CHAIRMAN PRICE: Or Dana?

9 STAFF MEMBER ZIMMERMAN: Or Dana, yeah.

10 CHAIRMAN PRICE: All right.

11 STAFF MEMBER ZIMMERMAN: And actually, we do need to
12 hear about those and Marcellas had raised that issue of people not
13 knowing if their application had made it in, those type of things
14 and by hearing about those, that does give us the opportunity to
15 look at what's not working and what changes we can make. So have
16 them call Dana.

17 CHAIRMAN PRICE: Okay. I appreciate that.

18 Marcellas, I know you were running around the campus, I
19 did in fact at the beginning of the meeting talk about the issue
20 you had prior about the notification of receipt of the
21 application. You had actually expressed you would like to see it
22 on the agenda for this meeting. It didn't make it, however I had
23 asked Geoff DaForno who took Debbie's place to give you a call and
24 see if some of that has been corrected now that he's administering
25 those responsibilities now.

1 BOARD MEMBER JONES: That sounds good. So you said
2 he'll be contacting me?

3 CHAIRMAN PRICE: Yes.

4 BOARD MEMBER JONES: Okay, Darin. That sound good.

5 CHAIRMAN PRICE: Okay. Thanks, Marcellas.

6 I guess in a way Doug kind of covered Steve's report.
7 Steve is on vacation as Doug said, so we'll go ahead and move on
8 to Geoff.

9 STAFF MEMBER DAFORNO: Well, I'm just going to go over a
10 couple of statistics since I only have June results. September is
11 still being processed, a couple of people still doing that. So
12 for this last June, just to give you a heads-up, the overall
13 success rate for passing was 36 percent. That's for all the test
14 taking. So last year at this time it was 76 percent passing rate.
15 So I just notice like one of them was the Treatment Two, there was
16 six people that took the test and nobody passed. So it looks -- I
17 just wanted to throw those numbers out to you to give you a
18 heads-up. The March test previous to that, it was a 62 percent
19 overall successful passing rate. So it did drop. And looking
20 back to March of '05, this seems to be the lowest one that I have
21 record of so far.

22 CHAIRMAN PRICE: Geoff, can I ask a question? I don't
23 know if you can answer it or not.

24 STAFF MEMBER DAFORNO: I'll try.

25 CHAIRMAN PRICE: And my indications that are processed

1 with the increase in the number of failures in passing, do you
2 think it's tied to a lot of newer operators applying to take the
3 test?

4 STAFF MEMBER DAFORNO: I think it's newer. That's just
5 my opinion. I don't see the application.

6 CHAIRMAN PRICE: I'm trying to rationalize it a little
7 bit in my mind if it's dropped like that.

8 STAFF MEMBER GUTHRIE: It was the applicants haven't
9 studied as well as they should have for that testing cycle.

10 STAFF MEMBER DAFORNO: Since I've taken over for Debbie,
11 I've learned a lot. I have a lot to learn. I'll tell you, Debbie
12 helped out with the June exams. I'll be honest, I was overwhelmed
13 the first go around. So this testing cycle seems to be going
14 smoother than the last one. I think so. I haven't heard too
15 much. Some of my proctors weren't able to give you an idea, they
16 weren't able to do the exam on the 13th of this month, so they are
17 doing it this week and turning them in. But as far as feedback I
18 received from people that did receive -- they didn't get the
19 results like you were talking, they didn't get the results back as
20 soon as they thought they would. That was partly because the list
21 had changed a few times, and now that kind of explains a lot with
22 Steve being shorthanded. I tell you, I feel for him there because
23 that's a lot. So that. And let's see here. Most of the feedback
24 I got from people when they wanted their results and they called
25 me instead of Steve and whatnot. Anyway after talking with them,

1 it came out clear that they always admitted, "Well, I didn't
2 really study," or, "I didn't really study the correct material,"
3 is what they were saying. So maybe it has something to do with
4 some of the training that they are getting or not getting. That's
5 just some of the stuff that I've noticed. We had one guy request
6 hand grading and it didn't change anyway.

7 CHAIRMAN PRICE: Which is a legitimate request.

8 STAFF MEMBER DAFORNO: Yes, yes, so we did that. And
9 other than that --

10 STAFF MEMBER GUTHRIE: One other thing, Geoff, I noticed
11 with that last exam cycle is there was a lot of address changes
12 that I don't think people were getting information because the
13 addresses were incorrect on the initial list that we got of the
14 sections.

15 STAFF MEMBER DAFORNO: A lot of them were exactly
16 address changes. People moved, they didn't give their most
17 up-to-date information. So I think that's where a lot of the
18 stuff was lost. And actually, when they called in wondering where
19 their results were, you know, I read their address back to them,
20 they said, "Oh, no, that's changed." So that's why -- that's
21 where I think some of the stuff was kind of slow getting to them.
22 But like I say, I think this one is going a lot smoother. I
23 talked with all the proctors, and I'll tell you, Annette and Steve
24 have helped me a bunch, and thanks. It's good working with them.
25 The proctors like Lynn and whatnot, I'll tell you, it was nice

1 having them out there because they really did take the ball and
2 run with a lot of stuff and helped out quite a bit, so thank you.
3 Other than that, it's nice to be able to talk to a bunch of other
4 people in the State. You know, Dana, I talked to him. So other
5 than that, I don't have much else unless you guys have suggestions
6 and feedback on how things are going.

7 CHAIRMAN PRICE: I'll speak freely. I would say that
8 the feedback I've gotten so far, Geoff, has been positive. So I
9 think you're doing a good job. Admittedly, I know there's lot of
10 things still to learn and some of the process, et cetera, but so
11 far, so good. I've had some good positive feedback about the job
12 you're doing. I'm pleased myself. Any other Board members have
13 some comments?

14 Marie, are you still there?

15 BOARD MEMBER POLLOCK: Yeah, I'm here.

16 CHAIRMAN PRICE: Okay. It almost sounds like, from what
17 I heard, that perhaps a short blurb in some of the newsletters
18 regarding what the deadlines are. I know from my own personal
19 experience operators are very impatient about wanting to know when
20 their application was processed and how soon they can get results
21 back from their test because they always want to know right after
22 they've taken the test. And I believe if I'm correct, it's up to
23 three weeks or something like that; is that correct, on test
24 results?

25 STAFF MEMBER DAFORNO: I usually tell them three to four

1 weeks that they'll get results back.

2 STAFF MEMBER GUTHRIE: But the letters themselves go out
3 pretty quick.

4 STAFF MEMBER DAFORNO: I give them that as kind of a
5 buffer in case we run into problems. As soon as she ends up
6 grading the results, and then she has all the contact information
7 for everyone that took the test, then at that point she mails them
8 right out.

9 STAFF MEMBER PENNINGTON: So each applicant then or each
10 tester gets --

11 BOARD MEMBER POLLOCK: Did you get that -- could you put
12 that up to the phone?

13 STAFF MEMBER DAFORNO: I don't know if everyone knows
14 how the process works. Maybe I don't know everything, either.
15 All the people put their aps in to the State, to Steve basically.
16 He sends me the list, I in turn forward it to Annette, and then I
17 believe Steve or the State is the one that sends the letters out.

18 STAFF MEMBER GUTHRIE: We send the letters and Steve
19 sends the actual certificates.

20 STAFF MEMBER DAFORNO: Okay. But as far as the people,
21 who actually sends the letter?

22 STAFF MEMBER GUTHRIE: Confirmation letter --

23 STAFF MEMBER DAFORNO: Okay.

24 STAFF MEMBER GUTHRIE: --that they are attending.

25 STAFF MEMBER DAFORNO: So I think I should probably talk

1 with Steve a little more on like what Marcellas was saying, that
2 people don't know if their application made it or not. That's
3 where it sounds like something may be a little hiccup there or
4 something, and I would be happy to work with Steve.

5 STAFF MEMBER GUTHRIE: One thing we actually implemented
6 at the Section is we printed up these things for our certification
7 programs with these cards where basically you could easily do that
8 with a spreadsheet is run address labels, and on the backside have
9 a person checking off, "Yes, we received your application, and you
10 should be hearing with us within so many weeks." So that's what
11 we've done on the Section side, so that might be an idea for Steve
12 if he implements that. And we also color coded them so Waste
13 Water would be one color postcard. It would be as simple as
14 running labels and a check box with whatever option you want to on
15 the back.

16 BOARD MEMBER JONES: Darin, the latest statements I'm
17 hearing is about certificates and the little card that comes with
18 your expiration date. Some of the guys aren't getting those in a
19 timely fashion.

20 CHAIRMAN PRICE: Okay. Marcellas, I appreciate that
21 feedback. Doug is here present and so perhaps some of the issues
22 that Geoff talked about he can talk to Steve about and perhaps we
23 can get Doug to talk to Steve about some of these issues as well.
24 And it's not the first time we've heard this, so I appreciate
25 that. Lynn, I would ask you, have you heard anything on the

1 eastern side of Nevada as far as some of these things we are
2 talking about?

3 BOARD MEMBER FORSBERG: No, we haven't had any
4 complaints up here, but we don't have a lot of testers, you know,
5 people taking tests, either. As you notice, there's some quarters
6 here where there were no tests administered at all up here in the
7 northern part. So it's, you know, just not a lot of operators or
8 operators in training up here. It's a small population for a
9 large area.

10 CHAIRMAN PRICE: Don't you cover about like 2,000 square
11 miles up there or something?

12 BOARD MEMBER FORSBERG: Try 17.

13 CHAIRMAN PRICE: All right. Lynn, thank you.

14 Is there any other comments from the Board or staff
15 present?

16 All right, Geoff. I appreciate the feedback so keep up
17 the good work, okay.

18 STAFF MEMBER DAFORNO: Thanks.

19 8. SCHEDULE NEXT MEETING

20 CHAIRMAN PRICE: Next on our agenda is the scheduling of
21 the next meeting. This meeting would be scheduled in December,
22 however, I would like to pose this to the Board. We don't have a
23 lot of hot items that are currently being worked on. The contract
24 that was discussed today as we had general discussion, Harvey -- I
25 mean, I will prepare a letter about what the Board expressed today

1 addressed to Doug which he will present to the Commission and then
2 we can discuss that at an upcoming meeting. And that Harvey and I
3 will start working on comparison of this advisory board's work and
4 the Waste Water Advisory Board's work. So my question to the
5 Board is, does anybody see a need to have that meeting in
6 December? Meaning that we would wait until the first meeting
7 of '07 which typically is at the Nevada Rural Water Association
8 meeting which typically is the one that we all travel to and at
9 least once a year meet face to face. So I'm offering that up as a
10 suggestion. I know that the agenda items that we're on here
11 today, there was only really a couple of things, and I would
12 anticipate that if we scheduled the meeting in December, there
13 would only be a couple of things as well, and there's a
14 possibility that those items could be delayed until the first
15 meeting of '07. Does anybody have comments?

16 BOARD MEMBER POLLOCK: We could schedule the meeting and
17 cancel it if nothing else comes up, or I'm fine with not
18 scheduling it.

19 CHAIRMAN PRICE: Janet, how would that work, do you
20 know?

21 DEPUTY ATTORNEY GENERAL HESS: What?

22 CHAIRMAN PRICE: Could we in fact schedule the meeting
23 -- I mean, then all the notices, et cetera, would have to go out.
24 And then if we decided to cancel, then we would have to send out
25 notice of cancellation.

1 DEPUTY ATTORNEY GENERAL HESS: That's correct. And then
2 you have to post notices at all the buildings that you had the
3 meeting scheduled at.

4 CHAIRMAN PRICE: Okay. Is there any other feedback from
5 the Board? Again, I mean, I don't care either way. It's just --
6 I notice that we were going really good on some things that came
7 to completion as far as some of the things we were working on and
8 projects, et cetera, and there's not a lot in the hopper right now
9 as I expressed. So if the Board does want to have a meeting in
10 December, I'm fine with that. However, if they want to wait until
11 the first meeting in '07, I'm fine with that as well.

12 BOARD MEMBER AUCKLEY: This is Chet. In my job I have
13 more meetings than I care to think about, but I think this Board,
14 I think looking at this advisory Board, I think it's healthy to
15 make people talk about this very important subject, and I don't
16 think it's undue for us to meet on a quarterly basis at all.
17 That's my opinion. Believe me, I'm not a -- like I said, I go to
18 way, way too many meetings, some of which are non-productive. But
19 I think on this as an advisory Board for the State, it's important
20 issues, gives people an opportunity -- we don't have people here,
21 but it gives people an opportunity to come to the Board as an
22 audience and pose questions to the group. I'm all for having a
23 meeting in December and people that work with me would say, "Oh,
24 my God, Chet would never pose that," but I think this is a very
25 big issue. So that's my one sentiment.

1 CHAIRMAN PRICE: Harvey, how do you feel about it?

2 BOARD MEMBER JOHNSON: I again have to go to way too
3 many meetings, and I feel, again, like Chet, that it is important
4 that we have an area for people to be able to come and express
5 their thoughts on certification process. So I think it would be
6 good to have a meeting.

7 CHAIRMAN PRICE: Marcellas, what are you thinking?

8 BOARD MEMBER JONES: Well, I'm kind of thinking if we
9 can maybe send something out to the operators and let them know
10 that if they have any concerns or complaints to get something to
11 us so if we do have a meeting we have something to discuss and not
12 just sit around and look at each other.

13 CHAIRMAN PRICE: Thanks, Marcellas.

14 Lynn, how did you feel about it?

15 BOARD MEMBER FORSBERG: I think for the sake of
16 consistency we have been doing once-a-quarter meetings. I have to
17 go along with Chet that I think it's important that we stay
18 consistent and offer a venue for those who may have issues to come
19 forward.

20 CHAIRMAN PRICE: Thanks, Lynn.

21 Marie?

22 BOARD MEMBER POLLOCK: I think we need to schedule it
23 and we can cancel it if there is nothing on the agenda, nothing
24 pressing.

25 CHAIRMAN PRICE: Okay.

1 BOARD MEMBER POLLOCK: Okay.

2 CHAIRMAN PRICE: Thanks, Marie. Then everybody pull out
3 your PBA. I guess up there in Elko you guys just look at a
4 calendar. And so somebody throw out a couple of dates in December
5 that we can all agree upon.

6 Again, for the record, I would just like to express that
7 I offered that as a suggestion because there was -- not only was
8 there not on the agenda, but that part of the year when it gets
9 busy not only with work but with holidays, et cetera, my fear was
10 that there wouldn't be a lot on the agenda as well. So I'll
11 encourage all the Board members to please submit agenda items so
12 we can have a good, productive meeting in December. I know this
13 one was a good productive one as well, but that everybody continue
14 to the agenda with items that they want to discuss. So thanks.

15 So is there any dates that somebody has got in mind?

16 BOARD MEMBER FORSBERG: Well, Elko just looked at a
17 calendar. You know, any one of those Fridays up like the 1st
18 through the 15th would work well up here.

19 CHAIRMAN PRICE: Thanks, Lynn. I agree with you that it
20 definitely would be better to have it within the first two weeks
21 of December.

22 BOARD MEMBER POLLOCK: Oh, yeah.

23 CHAIRMAN PRICE: My calendar is in my phone, Marie, and
24 I'm afraid to start pushing buttons that I might lose you. So
25 Chet, do you have --

1 BOARD MEMBER AUCKLEY: Either the first or second Friday
2 in December would be fine with me.

3 CHAIRMAN PRICE: What is the first Friday in December?

4 STAFF MEMBER GUTHRIE: The 1st.

5 BOARD MEMBER POLLOCK: I was going to suggest maybe the
6 second one might be better for people that are going on holiday
7 for Thanksgiving.

8 BOARD MEMBER AUCKLEY: Okay.

9 CHAIRMAN PRICE: So that would be the 8th. How does
10 that look for you? Lynn?

11 BOARD MEMBER FORSBERG: That's good.

12 CHAIRMAN PRICE: Harvey?

13 BOARD MEMBER JOHNSON: That's good for me.

14 CHAIRMAN PRICE: Marcellas, how is December 8th for you?

15 BOARD MEMBER JONES: It's good.

16 DEPUTY ATTORNEY GENERAL HESS: I think we might have a
17 problem with a staff meeting at NDEP on certain Fridays. We don't
18 know which one it is. So it may have to be set in the afternoon,
19 okay?

20 CHAIRMAN PRICE: Marcellas, would you be okay if we had
21 the meeting on December 8th, that it would be in the afternoon?

22 BOARD MEMBER JONES: That's fine with me.

23 CHAIRMAN PRICE: Thank you.

24 Lynn, how about you?

25 BOARD MEMBER FORSBERG: That's fine up here in Elko.

1 CHAIRMAN PRICE: Marie?

2 BOARD MEMBER POLLOCK: Yeah, fine. In fact, easier for
3 me because I have a two-hour drive to Vegas when I do it.

4 CHAIRMAN PRICE: Harvey?

5 BOARD MEMBER JOHNSON: That's fine by me.

6 BOARD MEMBER AUCKLEY: Fine.

7 DEPUTY ATTORNEY GENERAL HESS: Hold on a minute. John
8 has something.

9 STAFF MEMBER WALKER: I have a question. On the
10 development of the agenda for the meeting, I don't think we want
11 to get into a situation where we have to cancel a meeting. So it
12 seems to me that in the latter part of November, if we don't have
13 a sufficient amount of information really to discuss or have a
14 meeting, we probably shouldn't have one at that point. And if we
15 do, we will. And, of course, this meeting this time would be the
16 appropriate time, and everyone has agreed to it, but if we don't,
17 then I could simply e-mail everyone and advise them that we don't
18 have enough information on the agenda to have a meeting. And I'm
19 only saying that because the State Environmental Commission does
20 not schedule its meetings on a regular basis. We only have
21 meetings when we have enough to meet about. So I think that would
22 probably be the best way to go about it.

23 CHAIRMAN PRICE: Thanks, John.

24 Marie, that's what you had expressed, too. We are going
25 to go ahead and schedule the meeting.

1 BOARD MEMBER POLLOCK: We can always cancel it if
2 there's nothing on the agenda at that point.

3 CHAIRMAN PRICE: John brought up a good point. Toward
4 the latter part of November, that if we don't have a lot of items
5 to discuss on the agenda, that we'll go ahead and cancel the
6 meeting. So again, I encourage all of the Board for those items
7 that you have thoughts about that you would like to see discussed,
8 that we get those in on the agenda for our next meeting.

9 DEPUTY ATTORNEY GENERAL HESS: I have one more question,
10 if I may. Assuming that there wasn't enough for that particular
11 agenda on December, then when is the water Board meeting -- when
12 is the other meeting that you were discussing and where?

13 CHAIRMAN PRICE: It's typically in March during the
14 Nevada Rural Water Association conference. The last two years
15 that conference has been held at the Silver Legacy here in Reno.
16 Once a year, we encourage that. This Board used to always meet
17 face-to-face. We had meetings in Reno and Vegas for several
18 years. When we got some representation in the east, we started
19 meeting in Elko, and then we started doing the video
20 teleconferencing for the sake of expenses to save the State some
21 money. However, once a year we always meet face to face, all the
22 Board members together, and that's typically at that first meeting
23 in '07.

24 DEPUTY ATTORNEY GENERAL HESS: Okay. Thanks.

25 CHAIRMAN PRICE: All right. So as far as Agenda Item 8,

1 scheduling the next meeting, after talking to the Board, it would
2 be December 8th, which is a Friday in the afternoon. And I'm
3 suggesting that we start the meeting at 1:30 p.m. Does that sound
4 good to everybody?

5 BOARD MEMBER POLLOCK: That's fine.

6 BOARD MEMBER FORSBERG: Fine here in Elko.

7 BOARD MEMBER JONES: Fine.

8 CHAIRMAN PRICE: Great. That's when our next meeting
9 will be.

10 9. MEETING ADJOURNMENT

11 CHAIRMAN PRICE: Agenda Item 9 is meeting adjournment.

12 I call for a motion.

13 BOARD MEMBER AUCKLEY: Move to adjourn.

14 BOARD MEMBER JOHNSON: I second.

15 CHAIRMAN PRICE: We have a motion to second.

16 All in favor say aye.

17 (Whereupon the motion was put to a vote and carried unanimously.)

18 CHAIRMAN PRICE: Meeting adjourned.

19 (Meeting adjourned at 10:28 a.m.)

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1 STATE OF NEVADA,)
2 COUNTY OF WASHOE.) ss.
3

4 I, SUSAN CULP, Certified Court Reporter and a notary
5 public in and for the County of Washoe, State of Nevada, do hereby
6 certify:

7 That I was present at the meeting of the ADVISORY
8 BOARD TO THE STATE ENVIRONMENTAL COMMISSION ON CERTIFICATION FOR
9 OPERATORS OF PUBLIC WATER SYSTEMS on Thursday, September 21, 2006,
10 and thereafter took stenotype notes of the proceedings, and
11 thereafter transcribed the same into typewriting as herein
12 appears;

13 That the foregoing transcript is a full, true and
14 correct transcription of my stenotype notes of said proceedings.

15 Dated at Reno, Nevada, this 20th day of November,
16 2006.

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SUSAN CULP, CCR #343

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